

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

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May 31, 2000

TO: Commissioners and Interested Parties

FROM: Tami Grove, District Director
Charles Lester, District Manager
Steve Monowitz, Coastal Planner

SUBJECT: **SAN LUIS OBISPO COUNTY LOCAL COASTAL PROGRAM MAJOR AMENDMENT NO. 1-00.** For public hearing and Commission action at its meeting of June 15, 2000, to be held at the Radisson Hotel, 1111 East Cabrillo Blvd., Santa Barbara.

SYNOPSIS

The proposed amendment incorporates the Avila Beach Specific Plan into the San Luis Obispo County Local Coastal Program (LCP). This Specific Plan has been developed in order to guide the redevelopment of the town of Avila following completion of the Unocal clean-up. It was created with a great deal of participation by community members and interested parties, and reflects a vision for Avila Beach that seeks to preserve its unique character and attractiveness as a small coastal town and destination for coastal recreation. The Specific Plan is attached to this report in its entirety as Exhibit 5.

The Avila Beach Specific Plan will be incorporated into the San Luis Bay Area Plan component of the LCP. The San Luis Bay Area Plan is one of the County's four area plans, which, along with the Coastal Plan Policies and Framework for Planning documents, comprise the Land Use Element of the LCP. As set forth by the Land Use Element and the Specific Plan, all development within the Avila Beach Specific Planning Area must conform to the Specific Plan. Such development must also conform to all other applicable policies and ordinances of the LCP. In the event of a conflict between the provisions of the Specific Plan and other sections of the LCP, the Specific Plan controls.

The planning area covered by the Specific Plan is defined by the Avila Beach Community Services District boundary. As shown on page 3 of the Specific Plan, this area is generally bounded by Avila Beach Drive, Cave Landing Road, the perimeter of the Unocal Tank Farm, the Pacific Ocean, and the mouth of San Luis Obispo Creek. Major components of the plan include the creation of a pedestrian zone along a one block portion of Front Street that will function as the town center; provision of a "mid-block passage" that will connect an improved beach parking lot with the town center along the alignment of the Avila Pier; construction of a public park at the western end of Front Street where it intersects with Avila Beach Drive; and, the establishment of detailed design and development standards intended to retain the "funky and eclectic" character of the town. Other objectives of the plan include improving the streetscape, circulation and infrastructure of the town; providing a mix of

commercial uses that appeal to local residents and tourists; and maintaining and increasing the stock of affordable housing.

SUMMARY OF STAFF RECOMMENDATION

The Commission staff has been an on-going participant in the development and review of the Avila Beach Specific Plan, and, throughout this process, has closely coordinated with County staff to identify and resolve the Coastal Act issues that have arisen. These include ensuring that the plan: protects and enhances opportunities for visitors to enjoy Avila Beach by providing adequate public parking and overnight accommodations; maintains the unique character and features of Avila Beach that makes it a popular destination for coastal recreation; and, incorporates standards that effectively protect the biological, visual, and marine resources of the Avila area.

The County has been responsive to Commission staff concerns, and the submitted Specific Plan is generally consistent with Coastal Act objectives. There are, however, some areas of the plan that need to be modified and/or supplemented to achieve consistency with Coastal Act standards. For example, more specific standards regarding the extent of allowable residential development within commercial areas are needed to prevent such development from consuming space that is otherwise needed to meet the demand for visitor-serving accommodations. Similarly, revisions to the plan are required to avoid future residential development from removing public parking that serves coastal access and recreation. Other suggested modifications incorporate drainage control standards for new residential and commercial development consistent with statewide objectives to reduce non-point source pollution. The suggested modifications also provide additional specificity and timelines for a proposed in-lieu fee parking program and proposed Access Management Plan, and incorporate the Commission's guidelines regarding temporary events. In response to concerns that have been expressed regarding the location and operation of the existing Yacht Club, which is located at the base of the pier over the beach, a suggested modification calls for future development activities within this building to maximize opportunities for use by the general public.

Staff recommends that the Commission **approve** the Specific Plan **with suggested modifications**, which are further summarized by Table 1, below. With these modifications, staff endorses the Specific Plan as an important tool to guide the redevelopment of Avila Beach in a manner that is consistent with Coastal Act requirements and carries out the vision that has been generated through the community planning process.

Table 1: Summary of Suggested Modifications

Coastal Act Issue	Amendment Consistency	Suggested Modification
<p>Priority for visitor-serving commercial facilities (Coastal Act Sections 30213 and 30222)</p>	<p>Residential development in commercial areas has the potential to consume land that is otherwise needed to meet the demand for overnight visitor accommodations.</p> <p>The amendment eliminates existing LCP standards establishing priority for visitor-serving developments along Front Street.</p> <p>The amendment proposes to allow residential uses as a principally permitted use within commercial areas, which could diminish opportunities to use discretion when reviewing such projects.</p>	<p>Any residential development within commercial areas must be accompanied by a finding that there remains adequate undeveloped space within these areas for at least 100 new lodging units.</p> <p>Retain these standards and refer to them within the Specific Plan.</p> <p>Identify that residential uses in commercial areas are conditionally permitted. However, accommodate the Plan's objective of streamlining permitting for the rebuilding effort by allowing such development to be processed as a Minor Use Permit.</p>
<p>Provision of adequate parking, transportation, and upland facilities to serve coastal access and recreation (Coastal Act Sections 30223 and 30252)</p>	<p>Rather than requiring all Front Street businesses to provide on-site parking, they can contribute to an in-lieu fund for public parking and transportation improvements. However, the ordinance needed to implement this program has yet to be developed.</p> <p>The Plan indicates the potential for some residential multi-family housing to be developed in the area currently used for public beach parking.</p> <p>The Plan waives the requirement for multi-family residential development to provide guest parking if located within 200 feet of a public parking lot. This could result in the loss of available public parking</p>	<p>Identify that the in-lieu fee ordinance must be submitted to the Commission for incorporation into the LCP by June 31, 2001. Otherwise, commercial development must provide on-site parking consistent with CZLUO requirements.</p> <p>Require that any future residential development within this area retain a minimum of 355 public parking spaces in the lot and protect lot landscaping.</p> <p>Delete this exception.</p>

	A section of the old railroad right-of-way will be redesignated from recreation to residential multi-family housing, the development of which could preclude future access and transportation opportunities.	Require that any future development in this area preserve future opportunities to use the right-of-way for public access and transportation purposes.
Maximum Access (Coastal Act Section 30210)	<p>Unresolved issues regarding the particular design and operation of proposed “drop-off” areas for beach and boater access will be addressed through a future Access Management Plan. The specific elements of this plan, and a timeline for its completion, have not been identified.</p> <p>Concerns have been expressed during Specific Plan review that the existing Yacht Club building located at the base of the pier is an exclusive use that blocks public access and views.</p> <p>The Specific Plan encourages the use of special events to attract visitors to the area. Such events have the potential to interfere with coastal access and recreation opportunities for the general public.</p>	<p>Specify that the Access Management Plan provide, among other things, details regarding the location and terms of use for all drop-off areas that maximize the usability of these areas for both beach users and boaters, consistent with public safety/emergency access needs. Require that this plan be submitted to the Commission for incorporation into the LCP prior to June 31, 2001.</p> <p>Any new development involving the Yacht Club building shall be sensitive to its historic value and prominent location adjacent to the public beach, and shall enhance the public’s ability to use this building and learn about its history.</p> <p>Identify that such events should not interfere with the general public’s ability to access and recreate on the beach, and incorporate the Commission’s guidelines regarding when temporary events require a coastal development permit</p>
Protection of coastal water quality (Coastal Act Sections 30230 through 30232)	<p>Only currently existing CZLUO drainage standards (as certified in 1985 and updated in 1995) will be applied to private residential and commercial development. These do not provide progressive techniques for controlling polluted runoff.</p> <p>A coordinated program for managing polluted runoff is not provided by the Plan.</p>	<p>Incorporate new standards for residential and commercial development that reflect current best management practices for minimizing non-point source pollution.</p> <p>Establish a Watershed Management Program for the San Luis Obispo Creek Watershed.</p>

	Asphalt drainage swales are proposed in hillside neighborhoods. These do not maximize opportunities to reduce runoff volumes and pollutant levels.	Require the use of vegetated swales on slopes less than 5%
Protection of Marine Resources (Coastal Act Section 30230)	To address potential impacts of seawall lighting on spawning grunion, the plan states that such lighting should be turned off, but does not identify the responsible party or the schedule for turning off these lights.	Specify that the entity responsible for lighting maintenance (currently the Avila Beach CSD) shall turn off seawall lights during grunion spawning and develop an annual schedule of when grunion spawning events are expected.
Community Character and Visual Resources (Coastal Act Sections 30253 (5) and 30251)	<p>The Plan unintentionally eliminates existing LCP restriction regarding the types of uses allowed within the Commercial retail area.</p> <p>The plan eliminates an existing LCP standard that identifies bulk and view corridors as critical factors to be considered in the review of residential multi-family development.</p> <p>The Plan identifies the potential 35% density bonus for certain types of affordable housing</p>	<p>Retain current LCP restrictions regarding the types of uses allowed in the Commercial Retail area.</p> <p>Retain and modify this standard in a manner that requires all new residential development be designed to protect public view corridors to the beach and ocean</p> <p>Such density bonuses can be granted only where the resulting development will not adversely impacts to coastal resources, scenic views, or public access and recreation opportunities, and will conform to all other applicable LCP standards</p>

ANALYSIS CRITERIA

The relationship between the Coastal Act and a local government's Local Coastal Program (LCP) can be described as a three-tiered hierarchy with the Coastal Act setting generally broad statewide policies. The Land Use Plan (LUP) portion of the LCP incorporates and refines Coastal Act policies for the local jurisdiction, giving local guidance as to the kinds, locations, and intensities of coastal development. The Implementation Plan (IP), or zoning portion of an LCP typically sets forth zone districts and site regulations which are the final refinement specifying how coastal development is to proceed on a particular parcel. The IP must be consistent with, and adequate to carry out, the policies of the LUP. The LUP must be consistent with the Coastal Act.

In this case, the proposed LCP amendment effects the LUP component of the San Luis Obispo County LCP. Thus, the standard of review for the amendment is consistency with the Coastal Act.

ADDITIONAL INFORMATION

For further information about this report or the amendment process, please contact Steve Monowitz, Coastal Planner, at the Central Coast District Office of the Coastal Commission, 725 Front St., Suite 300, Santa Cruz, CA 95060; telephone number (831) 427-4863.

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EXHIBITS

1. Existing LCP Land Use Categories for Avila Beach
 2. Existing LCP Combining Designations for Avila Beach
 3. Existing LCP Planning Area Standards for Avila Beach
 4. Correspondence Regarding the Avila Yacht Club
 5. Avila Beach Specific Plan
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I. STAFF RECOMMENDATION**A. DENIAL OF LAND USE PLAN AMENDMENT NO. 1-00 AS SUBMITTED****MOTION I:**

“I move that the Commission approve Amendment No. 1-00 to the San Luis Obispo County Land Use Plan as submitted by the County.”

Staff recommends a **NO** vote, which would deny the amendment as submitted and adopt the following resolution. Only an affirmative (yes) vote on the motion by a majority of the appointed Commissioners can result in approval of the amendment as submitted.

RESOLUTION I:

The Commission hereby rejects Amendment No. 1-00 to the Land Use Plan of the San Luis Obispo County Local Coastal Program for the specific reasons discussed in the following findings, on the grounds that as submitted, the amendment does not meet the requirements of Chapter 3 of the Coastal Act. There are feasible alternatives available that would substantially lessen any significant adverse impact which approval of the amendment would have on the environment.

B. APPROVAL OF LAND USE PLAN AMENDMENT NO. 1-00 IF MODIFIED AS SUGGESTED**MOTION II:**

“I move that the Commission certify Amendment No. 1-00 to the San Luis Obispo County Land Use Plan if it is modified as suggested.”

Staff recommends a **YES** vote. An affirmative vote by a majority of the appointed Commissioners is required to pass the motion.

RESOLUTION II:

The Commission hereby certifies Amendment No. 1-00 to the Land Use Plan of the San Luis Obispo County Local Coastal Program for the specific reasons discussed in the following findings, on the grounds that as modified, the amendment and the Land Use Plan as thereby amended meets the requirements of Chapter 3 of the Coastal Act, and, approval of the amendment as modified will not cause significant adverse environmental effects for which feasible

mitigation measures have not been employed consistent with the California Environmental Quality Act.

II. SUGGESTED MODIFICATIONS

There are two primary components to this amendment: the Specific Plan itself, which will be incorporated into the Land Use Element of the LCP; and, the changes to the San Luis Bay Area Plan that reference and establish internal consistency with the Specific Plan. The entirety of the Specific Plan is attached to this report as Exhibit 5, and pages 145 – 154 of the Specific Plan identify the proposed changes to the San Luis Area Plan needed to incorporate and achieve consistency with the Specific Plan. Working with this format, the suggested modifications to the amendment submittal are divided into two parts. Part A includes the suggested modifications to the Specific Plan, and Part B includes the suggested modifications to the proposed amendments to the San Luis Bay Area Plan. In both cases, suggested deletions to the amendment submittal are shown by ~~stikeouts~~ and suggested additions to the submittal are shown by underlines.

A. Suggested Modifications to the Specific Plan

1. Suggested Modification to 2nd paragraph on page 7 (Specific Plan Goal 5 – Provide a mix of uses in Avila Beach to appeal to local residents and tourists):

To encourage the development of parcels with a Commercial Retail (CR) designation that do not have the advantage of a Front Street location, the Specific Plan would allow these parcels to be developed with a limited amount of residential projects. This will help to ensure that the community can meet its full economic potential.

2. Suggested Modification to last paragraph on page 8 (Specific Plan Goal 9 – Provide adequate parking in Avila Beach in balance with enhanced pedestrian facilities and transit services):

The parking demand in Avila Beach is generated primarily by beach users and not by the town's shops and restaurants. For this reason, the Specific Plan eliminates the existing requirement for on-site parking for commercial uses within the Front Street commercial area, in favor of an in-lieu parking fee that will be used to provide and maintain public parking facilities and/or transit service from remote parking facilities.

3. Suggested Modification to 2nd paragraph on page 15 (Specific Physical Design Elements):

Former Mobile Home Park Site Plan. New visitor serving lodging ~~or affordable multi-family dwelling units~~ would be constructed on the former Mobile Home Park site, with retail development facing onto Front Street.

Affordable residential units could be constructed at the site if necessary to comply with statutes concerning replacement of affordable housing, and no alternative sites are available.

4. Suggested Modification to last paragraph on page 16 (Town Center Conceptual Plan – Proposed Uses):

Permitted second floor uses include housing, lodging and offices. Priority shall be given to lodging uses, with residential and office uses being allowed only when they do not preclude the provision of the minimum amount of lodging units required by Section 4.B.1 of the Specific Plan. The construction of two story buildings will permit property owners to take advantage of their ocean-view property and is also consistent with the market study. In addition, the upper floor uses will increase surveillance of the public streets by residents and visitors, which will increase safety at the ground floor level.

5. Suggested Modification to last paragraph on page 18 (Town Center Conceptual Plan – Pedestrian Zone):

Access Management Plan. The County will cooperate with the Harbor District, CDF/County Fire, the County Sheriff, the Avila Yacht Club, and the Avila Beach CSD to develop an “access management plan” which will establish procedures for providing access to the pier and associated structures for normal operations, maintenance and public recreation activities, as well as for emergencies. This plan shall provide, among other things, details regarding the location and terms of use for all drop-off areas that maximize the usability of these areas for both beach users and boaters, consistent with public safety/emergency access needs. The access management plan shall be submitted to the Coastal Commission for incorporation into the LCP prior to June 31, 2001.

6. Suggested Modification to first paragraph on page 19 (Town Center Conceptual Plan – Pedestrian Zone):

Seasonal Access. The pedestrian zone ~~could~~ has been designed to accommodate vehicular circulation on a seasonal or occasional basis. At the conclusion of the first year of the use of this area by pedestrians only, the County will evaluate whether it is desirable to allow for seasonal or periodic use of the area available for general vehicle access. Any proposal to open the pedestrian zone for general vehicle access shall require a coastal development permit from San Luis Obispo County, which shall be appealable to the Coastal Commission.

7. Suggested Modifications to 2nd and 3rd paragraphs on page 24 (Key Private Development Sites – Parking Lot/ Old Railroad Right-of-Way Site Plan):

New Multi-Family Housing. The residual land that would become available at the north and south edges of the parking lot could be used to build **new multi-family housing**. The units could be two-story triplex and duplex units, with shared parking locations in ground floor garages. The housing units should front onto Second and First Streets respectively, with parking access from the street frontage. The units should have shallow front setbacks to be consistent with the other development in the area. The development of these units and associated infrastructure shall ensure that a minimum of 355 parking spaces are retained in the parking lot, and shall protect parking lot landscaping. This site could be used to provide affordable housing in Avila Beach.

New Single-Family or Multi-Family Housing. **New single-family or multi-family housing** units could be located on the northern portion of the former old-railroad right-of-way and served by a new local street that would connect from Second Street to San Miguel Street. The units should face onto the new street, and shall be sited in a manner that does not preclude future opportunities to use the railroad right-of-way for public trails, a light railway, or some other public transportation system. If it does not interfere with these future public transportation and access options, ~~The~~ the old-railroad right-of-way could ~~also~~ be excavated in this area to permit the new housing units to topographically function as part of the town by being located at the same base elevations as the units located along San Miguel Street. The housing units should be set back from Avila Beach Drive significantly in order to create a visual landscape buffer between the street and the housing units. Two clusters of single-family homes located along Second Street could have shared driveway access and interior parking garages.

8. Suggested Modification to 1st paragraph on page 35 (Historic Preservation – Yacht Club)

Guidelines for the possible renovation are included in the Avila Cleanup Coastal Development Permit. However, community interest in maintaining public views of the ocean has led to a possible reconsideration of the Yacht Club's permanent location. In addition to complying with the guidelines for renovation contained in the cleanup CDP, any future development activity involving the Yacht Club should include measures to enhance the general public's ability to utilize this building and learn about its history. All uses of this building should be conducted in a manner that is sensitive to its historic value and prominent location above and adjacent to the public beach and town center.

9. Suggested Modification to last paragraph on page 36 (Affordable Housing Incentives):

Under State law, there are also some other incentives for the construction of affordable housing. The most important of these are density bonuses, which allow for a 35% bonus over the basic density allowed. These incentives would be available to developers in Avila Beach when such density bonuses can be accommodated without resulting in adverse impacts to coastal resources, scenic views, or public access and recreation opportunities, and the resulting development will conform to all other applicable LCP standards.

10. Suggested Modification to last paragraph on page 40 (Streetscape Plan – Street Lights):

New pedestrian-scaled street lights would be installed on Front Street between Avila Beach Drive and San Luis Street, and on San Juan, San Francisco, San Luis (from Front to First Street), Second and San Miguel Streets. Additionally, footlights would be installed along the seawall on Front Street to light the sidewalks for pedestrians without interfering with night views of the ocean. Foot-level lighting would be installed along the inner edge of the seawall with low-level downward directed security lights installed on the outside of the seawall in areas where it becomes tall enough for people to be hidden from view. The low-intensity seawall lighting ~~could~~ will be turned off on nights when grunion spawn to minimize interference with the grunion's reproductive cycle. The entity responsible for maintenance of the town's lighting infrastructure (currently the Avila Beach Community Services District) shall be responsible for turning off these lights during grunion spawning events, and shall prepare or obtain annual schedules of when grunion spawning is expected to occur. ~~Palm~~ trees would be uplit with mounted light fixtures.

11. Suggested New Watershed Management Program, to be added as Section 2.I of the Specific Plan beginning on page 50 (the existing Section 2.I *Development Summary* would be renumbered as Section 2.H):

I. Comprehensive Watershed Management Program.

Water quality within Avila Beach cannot be protected without managing inland development and land uses. Therefore, San Luis Obispo County should coordinate the development and implementation of a Comprehensive Watershed Management Program designed to protect the water quality of the entire San Luis Obispo Creek watershed. Implementation of this program will enable Avila Beach and San Luis Obispo County to achieve numerous water quality objectives including flood control, erosion control, sensitive habitat protection, and ocean water quality protection.

The Comprehensive Watershed Management Program for the San Luis Obispo Creek watershed should be designed to manage changes in land use and development, support riparian corridor restoration, and encourage the implementation of Best Management Practices throughout the watershed. As part of this program, the County should identify and pursue whatever changes to the LCP and General Plan are needed to implement a coordinated set of programs and ordinances that protect and restore water quality throughout the watershed.

Specific issues that should be addressed by the Program include the impacts to water quality posed by development activities such as changing land use, grading and earth moving, and altering drainage patterns. The objective of the program shall be to avoid and minimize these impacts by, among other means:

- reducing non-point source pollution
- maintaining and restoring natural drainage patterns, native vegetation, wetlands, riparian areas and other habitats that improve water quality; and
- completing and implementing of a Comprehensive Watershed Management Plan that will guide water quality protection and restoration efforts at a watershed scale.

To achieve these objectives, specific components of the Watershed Management Program and future Watershed Management Plan should include:

- A Development Standards component that identifies specific measures to minimize the cumulative impact of new development on the watershed and avoids the alteration of natural drainage patterns (e.g., increased impervious surface and runoff volumes).
- A Conservation, Restoration and Open Space component that identifies specific areas of the watershed which, if restored, could improve water quality. This component should also identify critical components of the natural drainage system such as wetlands, recharge areas, streams, and flood plains should be protected from adverse impacts of new development.
- A Public Participation component that identifies methods to encourage public participation in managing development and minimizing urban runoff impacts on the coast. This component should outline a public education and involvement program designed to: raise public awareness about the SLO Creek watershed and the potential impacts of water pollution; and, involve the public in the development and implementation of the Comprehensive Watershed Management Plan.

- A Monitoring component that provides a coordinated program to monitor, document, and report water quality problems and improvements. This component shall aim to coordinate various governmental and citizen water quality monitoring efforts; evaluate the effectiveness of installed BMP's; ensure the effective and routine maintenance of storm drain infrastructure (e.g., storm drain cleaning); and, provide rapid and accurate public notice of hazardous beach water quality conditions.

12. Suggested Modification to 2nd and 3rd paragraphs on page 50 (Development Summary – Commercial and Lodging Uses) and associated Table 1 (Conceptual Plan Development Summary):

As stated in Section 3.D, Market Conditions, it ~~appears~~ has been estimated that Avila Beach can support a total of approximately 70,000 square feet of retail space (including restaurants) and 70 to 100 new lodging rooms. As shown in Table 1, 70,000 square feet of retail space and a minimum of 56 second floor Front Street lodging rooms are assumed to be constructed as part of the Specific Plan.

This means that some parcels along First and San Miguel Streets that are currently designated for commercial use may not be developed as such. Since there is not enough demand to warrant commercial development in all of these areas, the Specific Plan assumes that these areas will be developed primarily with visitor lodging or housing, with higher priority being placed on the provision of overnight visitor serving accommodations.

Table 1 Conceptual Plan Development Summary Estimates¹

Use	Quantity
Ground Floor Retail	~70,000 square feet
Second Floor Apartments	62 units
Multi-Family Housing	56 units
Single Family Housing	27 units
Total Residential Units	145 units
Second Floor Lodging Rooms (Front Street)	56 rooms
Civic Association Building	retained
Public Off-Street Parking	369 spaces (increase from existing)
Public On-Street Parking (town area)	583 spaces (decrease from existing)
Total Parking Spaces	952 (increase of 17 over existing)

¹ The estimated residential and lodging unit counts provided in this table and the following text may be altered by the addition of new standards establishing a minimum number of visitor serving units to be provided in the Front Street and Commercial Retail Areas, contained in Sections 4.B.1 and 4.C.1 of the Specific Plan.

13. Suggested Modification to the Hillside Street Improvements proposed on pages 42 and 43:

Drainage swales ~~would~~ will be constructed on all hillside streets where possible. Locations for improvements are shown below. Vegetated swales (bio-filters) shall be used as a water quality Best Management Practice instead of asphalt swales on slopes of less than 5%. The drainage swales ~~would~~ will be installed to collect, filter, and direct storm water run-off and to better define the street right-of-way.

14. Suggested Modification to the 4th paragraph on page 54 (Street Improvements and Vehicular Circulation)

San Francisco Street and/or Second Street ~~would~~ be extended to create a new intersection with Avila Beach Drive if shown to be consistent with all applicable LCP standards. The new street(s) and intersection would facilitate traffic circulation in and out of Avila Beach, in particular to the parking lot area.

15. Suggested Modification to the last paragraph on page 62 and the first full paragraph on page 63 (Private Parking):

Currently, all new development in Avila Beach must supply its own on-site parking, to meet County standards. This requirement has been identified as an unnecessary burden on restaurant and retail development. In most cases, commercial development in Avila relies on the beach itself to generate its customers; visitors park for the beach and then walk to retail and restaurant locations. Parking for dinner restaurants is readily available since many beach-goers have vacated their spaces by late afternoon.

Therefore, this Specific Plan includes changes to the Avila Beach Area Standards that will not require that new retail or restaurant development in the Front Street Commercial District supply its own parking on-site. Instead, these commercial uses would ~~be required~~ have the option to pay an in-lieu parking fee to help provide and manage the shared parking supply. An ordinance implementing this program must be approved by the Coastal Commission as an amendment to the LCP prior to June 31, 2001. Otherwise, all retail and restaurant development approved after that date shall be required to provide on-site parking consistent with CZLUO requirements.

16. Suggested Modification to the section on Stormwater Runoff and Drainage on Page 64. Add the following paragraph at the end of this section:

The Specific Plan also provides new drainage control standards for residential and commercial development which supplement existing CZLUO standards. These standards call for new private development to incorporate Best Management Practices for the control of polluted runoff.

17. Suggested Modification to Section B.1, Allowable Uses in the Front Street Commercial District, on page 69:

B.1. Allowable Uses

All uses allowed in the Commercial Retail land use category by the Coastal Framework for Planning (Table “O”) are allowed in the Front Street Commercial District except: communication uses; schools-business and vocational; concrete, gypsum and plaster products; food and kindred products; printing and publishing; single family dwellings (except on the second floor); auto, mobile home and vehicle dealers and supplies.

Developments in the Front Street Commercial District are encouraged to include ~~residential or~~ visitor lodging uses on the second floor, and residential use shall be conditionally allowed, to provide surveillance of streets and other public spaces, increasing the level of safety in these places. Any Front Street development that includes a conditional residential use on the second floor shall be appealable to the Coastal Commission, but may be processed as a Minor Use Permit. Consistent with Avila Beach Area Standard 2 for Commercial Retail areas, priority shall be given to visitor-serving uses along Front Street. Low-cost visitor serving facilities shall be protected, encouraged, and where feasible, provided.

To accomplish this objective, approval of any residential development on the second story within the Front Street Commercial District shall be accompanied by a finding which demonstrates that there remains adequate undeveloped space to accommodate a minimum of 56 **new** lodging units within the second floor areas of the Front Street Commercial District and a minimum of 100 **new** lodging units throughout the Front Street Commercial District and Commercial Retail Areas combined, less any new visitor-units constructed following the effective date of this Plan. In the event that existing lodging units are converted to a different type of use, the number of units converted shall be added to the minimum number of new units required to be provided. For purposes of this analysis, a lodging unit shall be assumed to require a minimum area of 400 square feet, and must be available for transient occupancy by the general public for a maximum stay of 84 days in a year (total) and 14 days between Memorial and Labor Day.

18. Suggested Modifications to Section B.13.e (Parking Requirements in the Front Street Commercial District) on page 82:

Uses other than residences or lodging (i.e., retail and restaurant uses) are not required to provide on-site parking, but ~~must~~ have the option to pay in-lieu parking fees, in an amount to be determined by the County, for any unbuilt required parking spaces. When residential or lodging uses are combined with a retail or restaurant use, the development shall provide on-site parking as required by the CZLUO for the residential and/or lodging use, and may, as an option, pay in-lieu parking fees for any unbuilt parking spaces required by the CZLUO for the restaurant or retail use.

The County ~~should~~ shall prepare an ordinance to create a parking district and enable the collection of fees, and shall submit this ordinance to the Coastal Commission for incorporation into the LCP no later than June 31, 2001. In the event that no such ordinance is submitted by this date, or the ordinance does not become certified by December 31, 2001, all commercial uses shall be required to provide on-site parking consistent with CZLUO requirements. The ordinance shall specify, among other things, that in-lieu fees ~~would~~ will be used to fund construction of community parking facilities, to establish a remote shuttle and parking lot, to provide transit subsidies or to provide other parking-related facilities and services for Avila Beach, consistent with state statutes.

19. Suggested New Standard B.15 Drainage Requirements for new development in the Front Street Commercial District, beginning on page 82:

Commercial development shall use best management practices (BMPs) to control and prevent pollutants from entering the storm drain system. BMPs shall be chosen and sized to meet the guidance of the California Storm Water Best Management Practices Handbook (Industrial/Commercial). Such Measures shall include both source control and treatment control practices that insures contaminants do not leave the site. Stormwater runoff from commercial sites shall be filtered through BMPs that treat storm water runoff up to and including the 85th percentile storm event. Restaurant and other commercial cleaning practices that can impact water quality (such as floor mat rinsing and vehicle cleaning) by introducing chemicals to storm drain systems (detergents, oils and grease and corrosive chemicals) shall provide designated areas that collect and dispose of this runoff through the sanitary septic system. Street sweeping and cleaning shall use best management practices outlined in the above referenced handbook or the

Model Urban Runoff Program¹ to keep contaminants and cleaning products from entering the storm drain system.

20. Suggested Modifications to Standard C.1 (Allowable Uses in the Commercial Retail area) on page 84:

All uses allowed in the Coastal Framework for Planning (Table “O”) are allowed in the CR category in Avila Beach, ~~except for bars; communication uses; schools-business and vocational; concrete, gypsum and plaster products; food and kindred products; printing and publishing; auto, mobile home and vehicle dealers and supplies.~~ Specifically, Table “O” is modified as follows for this category Allowable uses within the CR area shall be subject to the following provisions:

- ◆ Business establishments may not be open for business after 10:00 p.m., any night of the week.
- ◆ Establishments whose principal business is the consumption of alcoholic beverages on site are not permitted.
- ◆ Residential uses shall be ~~Principally~~ Conditionally Permitted (“PP”) uses in the CR district of Avila Beach and, ~~as such,~~ shall be appealable to the Coastal Commission. They may, however, be processed as a Minor Use Permit. Residential uses shall be permitted on the ground floor if Planning Commission approval of a Development Plan Review is granted, and if a finding is made that there remains an adequate supply of land available for visitor serving commercial uses. “Adequate supply” means that there remains undeveloped space to accommodate a minimum of 100 new lodging units throughout the Front Street Commercial District and Commercial Retail Areas combined, less any new visitor-units constructed following the effective date of this Plan. In the event that existing lodging units are converted to a different type of use, the number of units converted shall be added to the minimum number of new units required to be provided. For purposes of this analysis, a lodging unit shall be assumed to require a minimum area of 400 square feet, and must be available for transient occupancy by the general public for a maximum stay of 84 days in a year (total) and 14 days between Memorial and Labor Day. Residential use in the CR district shall comply with all guidelines and standards applicable to residential use contained in this

¹ The “Model Urban Runoff Program: A How to Guide for Developing Urban Runoff Programs for Small Municipalities” was prepared in July 1998 by the Cities of Monterey and Santa Cruz, the California Coastal Commission, the Monterey Bay National Marine Sanctuary, the Association of Monterey Bay Area Governments, Woodward-Clyde consultants, and the Central Coast Regional Water Quality Control Board.

Specific Plan. Projects of more than 4 and fewer than 11 units must include at least one studio unit.

21. Suggested New Standard C.15 Drainage Requirements for new development in the Commercial Retail area, beginning on page 90:

Drainage requirements are the same as in the FCR category. See standard B.15.

22. Suggested deletion of standard D.4.a on page 93 (off-street parking requirements in the Residential Multi-Family district):

~~Current parking requirements include guest parking at 0.25 spaces per dwelling unit. This requirement may be waived for residential projects within 200 feet of a public parking lot.~~

Note: the following standards for Residential Multi-Family development should be renumbered accordingly.

23. Suggested New Standard D.8 *Drainage Requirements* for new development in the Residential Multi-Family area, beginning on page 94:

All new residential development shall provide Best Management Practices (BMPs) to address polluted runoff. BMPs shall be sized and developed to meet the requirements of the California Storm Water Best Management Practices Handbook (Municipal). Such measures shall include, but not be limited to: minimizing the use of impervious surfaces (e.g., install pervious driveways and walkways); directing runoff from roofs and drives to vegetative strips before it leaves the site; and/or managing runoff on sites (e.g. percolation basin). The installation of vegetated roadside drainage swales shall be encouraged and, if used, calculated into BMP requirements. The combined set of BMPs shall be designed to treat and infiltrate storm water runoff up to and including the 85th percentile storm event.

24. Suggested New Standard E.3 *Drainage Requirements* for new development in the Residential Single Family area, beginning on page 98:

Drainage requirements are the same as in the Residential Multi-Family category. See standard D.8.

25. Suggested Modification to 3rd paragraph on page 99 (Implementation – Area Plan Amendment)

The *San Luis Bay ~~Local Coastal~~ Area Plan* will be amended to remove most of the existing Avila Beach Urban Area Standards, as detailed on pages 145 – 154 of

this Specific Plan. These standards are replaced by Chapter 4 of the Specific Plan.

26. Suggested Modification to 1st and 2nd paragraphs on page 101 (Implementation – Parking In-Lieu Fee):

Implementation of the Specific Plan would also require the adoption of a new ordinance by the County of San Luis Obispo and the California Coastal Commission.

The County ~~would adopt~~ shall submit an in-lieu parking fee ordinance to the California Coastal Commission for incorporation into the LCP, which would allow commercial developers within the Front Street Commercial District to pay into a fund that would augment the parking supply in Avila Beach. Property owners would be permitted to pay the fees instead of supplying parking in on-site locations for the business on their property. Preliminary in-lieu fee estimates are \$5 per square foot of building area. In-lieu fees would be used to construct parking improvements, to maintain the existing parking supply and/or to provide remote parking lot and shuttle or other transit subsidy that would improve public transportation to Avila Beach. This ordinance will be proposed for adoption subsequent to adoption of the Specific Plan submitted for Coastal Commission review and approval as an amendment to the San Luis Obispo County LCP no later than June 31, 2001. In the event that no such ordinance is submitted by that date, or the amendment is not certified by December 31, 2001, all commercial development must provide on-site parking consistent with CZLUO requirements.

27. Suggested Modification to 4. *Entertainment and Special Events* (Economic Recovery Strategy) on page 110:

Avila Beach could hold special events either in the dedicated outdoor public space created on Front Street, consistent with the processing requirements identified below, or in indoor venues such as expanded bars/restaurants with live music and dancing. Other beach communities in the County have added these types of facilities, and seen a significant attraction of tourist and County-resident expenditures. In addition, Avila should focus on expanding existing local events and traditions; this is one of the most effective ways to promote an identity which will continue in visitors' minds long after the actual visit. Avila events should be planned to avoid conflicts with other regional events, and should not interfere with the general public's ability to access and recreate on the beach.

In accordance with the Coastal Commission Guidelines for Temporary Events adopted on January 12, 1993, a Coastal Development Permit shall be required for any temporary events that meet all of the following criteria:

- are held between Memorial Day weekend and Labor Day; and,
- occupy all or a portion of sandy beach area; and,
- involve a charge for general public admission or seating where no fee is currently charged for use of the same area (not including booth or entry fees).

However, temporary events may be excluded from coastal development permit requirements when:

- the fee is for preferred seating only and more than 75% of the provided seating capacity is available free of charge for general public use; or,
- the event is less than one day in duration;
- or the event has previously received a coastal development permit and will be held in the same location, at a similar season, and for the same duration, with operating and environmental conditions substantially the same as those associated with the previously approved event.

Notwithstanding the above provisions, depending upon the permit jurisdiction in which the event is proposed, either the Executive Director of the Coastal Commission, or the Planning Director of San Luis Obispo County, or their respective Commissions, may be subject to coastal development permit review if unique or changing circumstances exist relative that have the potential for the temporary event to have a significant adverse impact on coastal resources. Such circumstances may include:

- the event, either individually or together with other temporary events scheduled before or after the particular event, precludes the general public from, use of a public recreational area for a significant period of time;
- the event and its associated activities or access requirements will either directly or indirectly impact environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources such as public access opportunities, visitor and recreational facilities, water-oriented activities, marine resources, biological resources, agricultural lands, and archaeological or paleontological resources;

- the event is scheduled between Memorial Day weekend and Labor Day and would restrict public use of roadways or parking areas or otherwise significantly impact public use or access to coastal waters;
- the event has historically required a coastal development permit to address and monitor associated impacts to coastal resources.

In the event of any conflict regarding a determination by San Luis Obispo County as to whether a temporary event requires a coastal development permit, the matter shall be referred to the Executive Director of the Coastal Commission for resolution.

28. Suggested Modification to 2nd paragraph on page 140 (planned commercial projects – Port San Luis):

The Harbor Terrace Inn, a 147-room medium to high-end hotel to be built in approximately 30 cottages has been proposed within the jurisdiction of the Port San Luis Harbor District. Additionally, as part of the Harbor Terrace Inn planning, a second phase has been proposed that would result in re-aligning Avila Drive and adding up to 95,000 square feet of commercial and retail space. The LCP amendment submitted to the Coastal Commission by the County to allow for this development. At present, the Harbor Terrace Inn environmental and development review process are not considering did not include this second phase, and it is unclear what amount of retail will ultimately be approved. the Commission denied the amendment associated with the first phase in February 2000.

29. Suggested Modifications to section regarding “Support for Overnight Accommodations”, and associated Table 9, on pages 142 and 143:

Currently the Avila Valley Area has 93 hotel rooms, as well as 140 time share units that reportedly are available for occasional occupancy by non-time share participants. However, only one hotel, the Inn at Avila Beach with 32 rooms, has a beach orientation.

In addition to existing supply, a total of 217 hotel rooms are proposed (including an approved expansion and two projects pending final approvals) ~~by approximately 2002~~, bringing the potential total for available actual rooms at that time up to 310 in the Avila Valley, as shown in Table 9. Neither of the proposed new hotels will be beach oriented. Currently Avila Beach has 32 hotel rooms. Six rooms are available for transient occupancy at the San Luis Bay Inn, ~~with a potential for 147 more rooms at Port San Luis for a total of 185.~~

The potential for additional hotel room market support is based on tourism data from the range of sources described previously in this report and comments from local business owners. Assuming an annual Avila Beach visitor total of 800,000 and that 40 percent of visitors are tourists with the potential to stay overnight, approximately 140,000 annual hotel-nights are supportable in Avila Beach by existing tourism. This assumes an average of 2.3 tourists per room. Based on an assumption that a 50 percent capture rate is possible, and that hotel operators need at least a 70 percent occupancy rate to support a hotel room, 272 rooms would be supportable in Avila Beach. Thus, it appears that a rebuilt Avila Beach could support at least an additional 80 to 90-100 hotel rooms. This number may increase depending on what is allowed at the Port San Luis Harbor Terrace site. ; ~~h~~However, this finding the ultimate demand for lodging units will depend on the type of hotel under consideration as well as the perceived attractiveness of the reconstructed Avila Beach.

...

Table 9 Existing and Proposed Hotel Rooms

Ocean Oriented		Inland-Oriented*	
Facility	Rooms	Facility	Rooms
Inn at Avila Beach	32	Sycamore Mineral Springs	95
Harbor Terrace**	147	San Luis Bay Estates	30
San Luis Bay Inn	6		
Sub-Total	185		125
Total			310 Rooms

* the 135 rooms to be located across from the Avila Hot Springs are not included in Table 3 because there is no formal proposal for their completion at this time

** the LCP Amendment required to allow for the development of hotel units at the Harbor Terrace was denied by the Coastal Commission in February 2000

30. Suggested Modification to last paragraph on page 145 (Regulatory Appendix – Land Use Map):

The land use map shown below identifies proposed new land use designations for parcels within the Avila Beach Community Services District. The Official Land Use Category Map for Avila shall be updated accordingly, with the Urban Services Line as currently shown on the Official Map remaining in effect. Land Use Designations are described in the *Coastal Zone Framework for Planning*.

Limitations on the uses described in the *Framework for Planning* are described in the Area Standards sections, following.

Note: A reduced copy of the Official Land Use Category Map, as currently certified, is attached to this report as Exhibit 1.

B. Suggested Modifications to the Proposed Amendments of the San Luis Bay Area Plan

1. Renumber the Urban Area Programs in accordance with the proposed deletion of program number 1 for the Commercial Retail category.
2. Suggested Modification to new Communitywide Standard 3² on page 153 of the Specific Plan:

Avila Beach Specific Plan Included by Reference. The Avila Beach Specific Plan, and any amendments made thereto, is hereby incorporated into this Land Use Element as though it were fully set forth here. All development within the Avila Beach Specific Plan planning area (as shown above) is to be in conformity with the adopted Specific Plan, as well as all other applicable LCP standards. In the event of any conflict between the provisions of the San Luis Bay ~~Local Coastal Area~~ Plan and the Specific Plan, the Specific Plan shall control.

3. Suggested Modification to new Communitywide Standard 4 on page 153 of the Specific Plan and page 8-9 of the San Luis Bay Area Plan:

Permit Requirements. Unless otherwise specified in the Avila Beach Specific Plan, Minor Use Plan approval is required for all proposed new uses. All development activities on the Tank Farm shall require Development Plan review and approval.

4. Suggested retention and modification of Commercial Retail Standard 5. Page 153 of the Specific Plan proposes to delete all of the existing Commercial Retail Standards, which can be found on pages 8-9 and 8-11 of the currently certified San Luis Bay Area Plan, and are attached to this report as Exhibit 3. Standard 5 for the Commercial Retail land use category, which is recommended for retention by this Suggested Modification, would be renumbered as Standard 1, and modified as follows:

Priority and Protection of Visitor-Serving Uses. Priority shall be given to visitor-serving uses along throughout the Front Street Commercial District and the Commercial Retail area. Low-cost visitor serving facilities shall be protected, encouraged, and where feasible, provided.

² The existing Communitywide Standard 3 that will be replaced by the amendment, and other components of the currently certified San Luis Area Plan that are proposed to be amended by the Specific Plan, are attached to this report as Exhibit 3.

5. Suggested retention of standards regarding Public Facilities and Avila Beach Facilities. These standards, which can be found on pages 8-12 through 8-26 of the currently certified San Luis Bay Area Plan, and are attached to this staff report as Exhibit 3, are identified on page 154 of the Specific Plan. The Specific Plan is not clear, however, if any changes to these standards are proposed. This Suggested Modification retains these standards.
6. Suggested retention of a portion of Standard 1 for Residential Multi-Family and Residential Single Family land use categories. Page 154 of the Specific Plan proposes to delete the existing San Luis Bay Area Plan Standards for these land use categories, which can be found on page 8-28 of the Area Plan and are attached to this report as Exhibit 3. As suggested to be modified, the Specific Plan would retain a selected portion of these standards regarding the protection of view corridors by replacing them with the following new standard:

RESIDENTIAL CATEGORIES:	The following standards apply only to lands within the Residential Multi-Family and Residential Single Family Land Use categories.
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1. **View Protection.** All new residential development shall be designed to protect public view corridors to the beach and ocean.
7. Suggested retention of the Standard applicable to the Open Space Land Use Category. Page 154 proposes to delete this Standard, which can be found on page 8-28 of the certified San Luis Bay Area Plan and requires riparian vegetation to be retained along creekways. This Suggested Modification preserves this standard.

III. RECOMMENDED FINDINGS

A. LCP Background

The San Luis Obispo County certified LCP is composed of seven parts: the Coastal Zone Land Use Ordinance, which is the Implementation Plan (IP) portion of the LCP; the Framework for Planning, the Coastal Plan Policies, and four Area Plans, which make up the Land Use Plan (LUP). The Commission approved the LUP with modifications on October 14, 1982, and the IP was approved as submitted on October 7, 1986. The County assumed permit-issuing authority on March 1, 1988.

LCP provisions that are applicable to Avila Beach include the Coastal Plan Policies, the development standards contained in the Coastal Zone Land Use Ordinance, and the area plan standards contained in the San Luis Bay Area Plan. These area plan standards, within which the Specific Plan will be incorporated, provide the most specific development standards for new development proposed in Avila Beach.

B. Specific Plan and Area Background

The town of Avila Beach is located west of Pismo Beach and about 9 miles south of the City of San Luis Obispo. The character of this town, as it existed prior to the clean-up, is accurately described on Page 18 of the Draft EIR for the Specific Plan as “an historic coastal town with a distinctive beach-front character. The town’s history is evident primarily on Front Street, where several buildings have false-front facades and are over 70 years old. The town has an old-fashioned beach resort feel, attracting large number of tourists on summer weekends.” Distinctive features of Avila Beach and the nearby surrounding area include the popular south facing beach, the Avila Pier, San Luis Obispo Creek, Port San Luis, and the Irish Hills which provide a scenic backdrop to this less than half-mile square town.

The intensive clean-up effort necessary to remove the hydrocarbons that leaked from underground oil pipelines owned and operated by the Unocal Corporation has had a drastic impact on the town. Among these impacts, the remediation has required the demolition of a significant number of buildings along Front Street and First Street, and the excavation of almost the entire downtown area and a large portion of the public beach.

In partial response to this catastrophe, the Avila Beach Specific Plan has been prepared, with a great deal of Community participation, to guide not only the redevelopment of the downtown area, but all new development throughout the entire Avila Beach community.

C. Amendment Description

This amendment is to the San Luis Bay Area Plan component of the LUP, which covers the south central part of the San Luis Obsipo County coast from Point Buchon and Montaña de Oro on the north to the Nipomo Mesa on the south. The planning area to the north is Estero, while the planning area to the south is South County.

As submitted, the amendment would revise the Planning Area Standards applicable to the Town of Avila currently contained in the San Luis Bay Area Plan by incorporating the Avila Beach Specific Plan. In complement to the LCP’s Coastal Plan Policies and Coastal Zone Land Use Ordinance (CZLUO), the Specific Plan provides new policies and standards with which new development in the area must comply.

The planning area covered by the Specific Plan is defined by the Avila Beach Community Services District boundary. As shown on page 3 of the Specific Plan, this area is generally bounded by Avila Beach Drive, Cave Landing Road, the perimeter of the Unocal Tank Farm, the Pacific Ocean, and the mouth of San Luis Obispo Creek.

Major components of the plan include the creation of a pedestrian zone along a one block portion of Front Street that will function as the town center; provision of a “mid-block passage” that will connect an improved beach parking lot with the town center along the alignment of the Avila Pier; construction

of a public park at the western end of Front Street where it intersects with Avila Beach Drive; and, the establishment of detailed design and development standards intended to retain the “funky and eclectic” character of the town. Other objectives of the plan include improving the streetscape, circulation and infrastructure of the town; providing a mix of commercial uses that appeal to local residents and tourists; and maintaining and increasing the stock of affordable housing.

The Specific Plan is attached to this report in its entirety as Exhibit 5. A more detailed description of the Plan can be found on pages 11 – 50 of Exhibit 5.

D. Coastal Act Consistency

The Chapter 3 policies of the Coastal Act provides the standard of review for proposed amendments to certified Land Use Plans (LUPs; in this case, the San Luis Bay Area Plan component of the San Luis Obispo County certified LUP). The following sections of this report analyze the consistency of the proposed amendment with Chapter 3 requirements according to issue area, and explain why the suggested modifications are necessary to bring the amendment into conformance with these standards.

1. Priority Uses

a. Applicable Policies

Section 30213.

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

Section 30222.

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30253.

New development shall:

...

(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

b. Analysis

In addition to being a popular destination for coastal access and recreation, Avila Beach is a residential community. Thus, the Specific Plan needs to address the needs of both the residents and tourists alike. This includes balancing the provision of adequate housing, including housing for low and moderate-income families, with the demand for visitor-serving accommodations. The vision for Avila Beach presented by the Specific Plan is one where residents and visitors share in the enjoyment of all the things that make Avila Beach a unique and special place.

To carry this vision forward, the Specific Plan calls for numerous streetscape, circulation, and parking infrastructure improvements, and proposes numerous conceptual projects for affordable multi-family housing, including incentives and policies that encourage such development. The Plan has consolidated the commercial center of the town in order to maximize its economic potential, and has designated the surrounding area for residential development that will replace and supplement the pre-existing housing stock.

Within the commercial area, comprised of the Front Street Commercial District (FCR or Town Center) and the surrounding Commercial Retail area, the Specific Plan allows for residential development amongst lodging and other commercial uses. Specifically, residential development would be allowed on the second floor within the FCR (as would lodging units), and on both the first and second floor in the CR area. Currently, the LCP allows residential uses on the second floor, or at the rear of a commercial building, only when the residential use is subordinate to the primary commercial use of the site. The LCP prohibits residential development in commercial areas that have a “v” (visitor-serving) overlay; there is such an overlay for Avila, but it only covers the beach area (see LCP map attached as Exhibit 2).

To prevent residential development from consuming a large percentage of land needed for visitor accommodations, the Specific Plan requires that when residential development is approved on the first floor of the CR area a finding be made that “there remains an adequate supply of land available for visitor-serving commercial uses”. This approach raises the question of what supply of visitor-serving units is adequate, and what information will be used as the basis for such a finding?

In an attempt to answer this question, development of the Specific Plan was accompanied by an economic analysis that considered the demand for overnight accommodations in light of the existing and proposed supply of lodging units. As stated on page 137 of the Specific Plan, between 800,000 to

1 million people visit the Avila Beach/Port San Luis area annually. The Plan reports that only 10 to 15 percent of these visitors have typically lodged in Avila Beach. Existing beach-oriented lodging opportunities are limited to 32 rooms in the Inn at Avila Beach, and 6 rooms at the San Luis Bay Inn³. There are also 55 rooms at the Sycamore Mineral Springs, which is approximately 2 mile east of the town and beach.

Given the high number of visitors to the Avila Beach area and the low number of beach-oriented lodging units, the Plan identifies that there is the potential for the town to support additional lodging facilities. Assuming that 40 percent of the more than 800,000 annual visitors have the potential to stay overnight, with 2.3 visitors per room, the Plan identifies a demand of 140,00 hotel nights per year. Based on a capture rate of 50%, and the need for a 70% occupancy rate to support a hotel unit, the Specific Plan concludes that 272 rooms would be supportable in Avila Beach (Specific Plan, page 143).

Other planned and proposed development in the region that will help meet this demand, as noted on pages 139 and 140 of the Specific Plan, include a proposed 30 room in at the San Luis Bay Estates in Avila Valley; a locally approved 40 room expansion of the Sycamore Mineral Springs; and, the potential for up to 147 hotel units at the Port San Luis Harbor Terrace site. Given the fact that neither the San Luis Bay Estates or the Sycamore Mineral Springs provides a beach orientation, only the proposed 147 unit Harbor Terrace project and the existing 38 lodging units at the Inn at Avila Beach and the San Luis Bay Inn were considered as projects that respond to the estimated demand for 272 lodging units in Avila Beach. The Specific Plan therefore concludes that a rebuilt Avila could support an additional 80 to 90 hotel rooms (page 143).

One problem with the above assumptions is that the provision of 147 units at the Harbor Terrace site is subject to future LCP Amendments, since the existing LCP allows for Harbor Storage and campground uses only. In February 2000, the Commission denied a proposed to the LCP that would allow for hotel development on this site. While there remains the potential for some future lodging to be accommodated on the Harbor Terrace site through the LCP amendment process, it is inappropriate to assume that 147 units will be provided on this site by 2002, as stated on page 142 and 143 of the Specific Plan.

Thus, the number of lodging units that could be economically viable in Avila Beach is likely greater than the 80 to 90 new units estimated to be supportable in the town by the Specific Plan. If no lodging units are constructed at the Harbor Terrace site, the economic assumptions applied to the Specific Plan would indicate that the town could support up to 234 hotel units.

The appropriate number of hotel units in Avila beach is not, however, purely a function of economics. While Coastal Act Section 30222 establishes a priority for visitor-serving facilities, other relevant Coastal Act policies call for the development of such facilities to be consistent with public service capacities, the unique character of the community, and the protection of coastal resources. The development standards included in the Specific Plan attempt to ensure that the type and extent of

³ The remainder of this 140 unit facility is available for time-share use only.

future development will be sensitive to these constraints. Therefore, the potential buildout under these standards provides a valuable tool for gauging the appropriate level of hotel development in the town.

Applying the proposed development standards contained in the Specific Plan, such as those that limit development within the town to a maximum of 25 feet in height and establish minimum setbacks, the County has estimated that up to 259 lodging units could be accommodated throughout the commercial area. This estimation assumes that all of the second floor units of future development along Front Street would be visitor-serving, and the first and second floor of all future development in the Commercial Retail area would be visitor serving. Additional opportunities for visitor-serving accommodations are provided by the LCP's allowance of Bed and Breakfast facilities within the residential areas of the town.

While this appears to indicate that is adequate capacity within the commercial areas of the town to accommodate the demand for 234 new hotel units described above, it is important to consider the impacts of such intense lodging development on the town of Avila. If all 234 lodging units were constructed in the 6-acre commercial area of the town, the resulting density would be 39 units per acre. This represents a high level of density that may be contrary to the character of the town and have adverse impacts on local circulation. In the town of Cayucos north of Avila, the Commission recently considered an appeal of a 30-unit 3 story hotel on a site just over one-half acre in size (Coastal Development Permit Application No. A-3-SLO-99-60 for the Victorian Inn). This project gained approval only an intense review of, and changes to, the design, scale and mass of the structure. Based on this experience, it appears that a density of 39 hotel units per acre would be inappropriate for the town of Avila, where structures are limited to two stories in height and the planning area is much smaller in size.

In addition, as previously noted the Specific Plan is based on a vision of residents and tourists sharing in the enjoyment of the rebuilt town center. As part of this vision, the plan proposes to mix residential and lodging uses in the commercial area in order to create an active and safe pedestrian environment. As stated on page 7 of the Specific Plan, "the adjacency of residents and lodgers to public streets will encourage surveillance of the streets and public spaces, thereby increasing the level of safety in these places".

Taking these factors into consideration, the Suggested Modifications retain the mixed-use development scenario proposed by the Specific Plan for the commercial areas of Avila Beach, but establish more specific requirements that will better preserve opportunities for an appropriate level of visitor-serving development within the commercial hub.

First, the suggested modifications require that an area need to accommodate a minimum of 100 new lodging units within the Commercial Retail and Front Street Commercial Districts be reserved for such use by the Specific Plan, minus any new lodging unit constructed in this area after the effective date of the Plan. In other words, a total of 100 new lodging units must be realized by the Specific Plan. In the event that any existing lodging units are converted to a residential use, this shall be compensated for by adding the number of converted units to the minimum number of lodging units to be provided.

With the existing 32 units at the Inn at Avila beach (the 6 units at the San Luis Bay Inn are outside of the Specific Plan's Planning Area), the provision of 100 new lodging units, represents a density of approximately 22 hotel units per acre. It also provides adequate opportunity for a mix of residential uses within the commercial area, as desired by the Plan. Considering that residential units require a greater area than a lodging unit, it is estimated that approximately 80 residential units could be accommodated in the commercial area with this modification⁴.

Second, the suggested modifications require that at least 56 of these units be located in the Front Street Commercial District. Because of its beach frontage, Front Street is one of the more desirable locations for visitor-serving accommodations that enhance coastal access and recreation opportunities. This is consistent with the number of second floor lodging units on Front Street anticipated in the Development Summary presented on page 50 of the Specific Plan, and also reserves opportunities for a mix of second floor residential uses.

Third, the suggested modifications build upon the Specific Plan's proposal to require a finding that adequate space remains available to accommodate visitor-serving uses when a residential use is proposed on the first floor of the Commercial Retail Area. The modifications require that such a finding be made for *all* residential uses approved throughout the Front Street Commercial District and Commercial Retail areas. As described above, adequate means that there is room to accommodate at least 100 *new* lodging units. The modifications also specify that in order to be counted as a lodging unit, the unit must be available for transient occupancy by the general public for a maximum stay of 84 days in a year, no more than 14 of which can be between Memorial Day and Labor Day.

Fourth, the suggested modifications identify that residential uses are allowed in the Front Street and Commercial Areas of Avila Beach *as conditional uses* that are appealable to the Coastal Commission. This provides decision makers with greater discretion to decide if residential development is appropriate during the review of each specific project proposal, and to ensure that the minimum lodging requirements described above are achieved. However, consistent with the Specific Plan's objective of streamlining the permit process for the rebuild effort, the Suggested Modifications allow for these conditional uses to be processed as a Minor Use Permit. (Projects that are appealable to the Coastal Commission are usually processed as a Development Plan, which requires a full public hearing; Minor Use Permits only require a public hearing if one is requested by an interested party.)

Fifth, the Suggested Modifications retain an important development standard that currently exists within the San Luis Bay Area Plan but is proposed for deletion by the Specific Plan. This is existing Standard 5 for Commercial Retail areas within Avila Beach, which requires that priority be given to

⁴ As previously described, the County estimated that the maximum number of hotel units that could be accommodated in the commercial area under Specific Plan Development Standards is 259 units. This was based on an assumed hotel unit size of 400 square feet, plus parking and reception needs. If 100 hotel units are constructed in the commercial area, the space that would otherwise accommodate the other 159 hotel units is roughly comparable to the amount of space that could accommodate 100 residential units assuming a residential unit size of 800 square feet.

visitor-serving uses along Front Street, and that low-cost visitor serving facilities be protected, encouraged, and where feasible, provided.

Finally, the Suggested Modification clarify that the preferred option for the development of the former mobile home site, which has a prominent location on Front Street adjacent to the new park, is visitor-serving lodging, with retail development facing onto Front Street. Affordable housing can be constructed on this site only if no alternative sites are available to meet requirements for the replacement of affordable housing. Currently, it appears that such sites are available in other areas of the town a few blocks inland of the coast.

While the minimum of 100 lodging units required to be provided in the commercial area by the suggested modifications will not meet the total demand for overnight visitor accommodations, there are other opportunities to meet this demand within other areas of the town and surrounding area. As previously noted, Bed and Breakfast accommodations are an allowable use throughout the residential areas of the town. In addition, redevelopment of the Unocal Tank Farm site following hazardous waste remediation provides another opportunity for future recreational development that will benefit visitors and residents alike. While this area will be subject to future planning⁵, pages 31 through 33 of the Specific Plan preliminarily suggest that the site could be developed with pedestrian and bicycling trails, with a conference center that could include lodging uses. Finally, it is expected that a subsequent proposal for some lodging uses at the Port San Luis Harbor Terrace site will be forthcoming, accompanied with a more comprehensive update of the Port's overall development plans.

c. Conclusion

As submitted, the Avila Beach Specific Plan conflicts with Coastal Act Sections 30213 and 30222 because residential development that would be allowed under the Plan could consume space that is needed to accommodate visitor-serving recreational facilities. This inconsistency is resolved by suggested modifications which reserve a minimum amount of space for an amount of lodging units. This minimum amount of visitor lodging will enhance opportunities for visitor recreation, and reflects an appropriate intensity for such development consistent with the unique character of Avila Beach, consistent with Coastal Act Section 30253 (5).

2. Coastal Access and Recreation

a. Applicable Policies

Section 30210.

⁵ The Specific Plan proposes to allow new development within the Specific Plan area to be processed via Minor Use Permit in order to expedite the rebuilding of the town. The Suggested Modifications to clarify that any development on the Tank Farm site shall be subject to the higher level Development Plan review, as the planning for this area has not yet been completed, and future remediation activities have potential coastal resource impacts that require a full and detailed review.

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212.5.

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30221.

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30223.

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section 30252.

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Section 30253.

New development shall:

...

(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses

b. Analysis

The Avila Beach Specific Plan contains many elements that will protect and enhance coastal access and recreation opportunities throughout the Avila area. These include, but are not limited to:

- **Increased Public Parking.** Prior to the Unocal clean-up, there were approximately 935 parking spaces available for general public use in the downtown area. With re-striping and other streetscape improvements proposed under the specific plan, the number of public parking spaces in the downtown area will increase to 952. In addition to these spaces, the Specific Plan identifies that parking in the residential hillside area of the town would continue to be uncontrolled and available for use by beach-goers and tourists.
- **Circulation and Streetscape Improvements.** The Specific Plan calls for many improvements to local circulation patterns, transportation corridors and roadways that will certainly benefit access to the coast. In particular, the Front Street pedestrian plaza proposed between San Francisco and San Miguel Streets and the “mid-block passage” providing a pedestrian connection between the improved public parking lot and the plaza along the same alignment as the Avila Pier, will provide enhanced coastal access and recreation opportunities. Eliminating poorly functioning intersections, providing increased signage and bicycle facilities, widening sidewalks, and improving parking supply and beach drop-off areas will also benefit coastal access and recreation.
- **Beach Accessways.** The number and extent of stairways and ramps to the beach, when compared to pre clean-up conditions, will be expanded by the Front Street rebuild currently underway.
- **Public Park.** The intersection of Front Street and Avila Beach Drive presented traffic and safety problems due to a limited line of site. As part of the settlement between San Luis Obispo County and Unocal regarding the hydrocarbon contamination, Unocal agreed to donate the corner parcel at this intersection to the County for use as a public park. This enabled the closure of the problematic intersection, and use of the Front Street right-of-way, as part of the 1.5 acre park proposed by the Specific Plan at this location. The park will include a pedestrian promenade along the seawall with benches for people to sit and observe the beach, picnic and play areas, a restroom building, and as

requested a Community workshops, a basketball court⁶. The plan also identifies the possibility of constructing a community building in the park in the future.

- **Preservation of Community Character and Historic Resources.** The Specific Plan calls for the retention of the historic features of the community, and provides design guidelines aimed at maintaining the “funky and eclectic” character of the community. These elements of the plan are described in more detail in Section III.D.4 of this report, and will help preserve the unique character of the community that adds to its popularity as a destination for coastal recreation.

Notwithstanding the overall benefits to coastal access and recreation opportunities provided by the Specific Plan, there are some outstanding issues that require modifications and supplements to the plan as submitted.

Parking Supply

As noted above, the Specific Plan will increase the amount of public parking available to beach goers by approximately 17 spaces. Although this represents an increase in the overall quantity of parking spaces, there are issues related to the different locations where such parking will be provided. There are also issues related to the impact that buildout of commercial and residential uses under the plan may have on the availability of these spaces for coastal access purposes.

First, with respect to location, 77 parking spaces along Front Street that existed prior to the clean-up will be lost as a result of the pedestrian plaza and public park. This parking will be replaced by reconfiguring the existing parking lot (also known as Earl’s Alley Parking Lot), and by increasing the amount of parking on side streets (i.e., San Juan and San Francisco Streets) through the use of diagonal parking.

The loss of parking spaces along Front Street will reduce opportunities for beach-front parking. In most cases, the loss of such parking would be considered a significant adverse impact on coastal access and recreation opportunities. In this case, however, a public plaza and a public park that will enhance opportunities for the public to enjoy coastal views and recreational activities on Front Street are replacing the parking spaces. In addition, the overall number of parking spaces that will be available to serve coastal access and recreation in the town will be increased by the Specific Plan. The areas where the lost Front Street parking spaces will be relocated to (Earl’s Alley Parking Lot and side streets between Front Street and First Street) provide convenient access to the beach and recreation areas (i.e., the pedestrian plaza and Avila pier). Thus, the Specific Plan provides adequate, safe, and effectively distributed parking to serve coastal access and recreation, consistent with the Coastal Act policies cited above. Moreover, the pedestrian plaza and park provide nonautomobile circulation and

⁶ The conceptual Front Street Park Plan presented on page 47 of the Specific Plan has been superseded by construction plans for this park, currently undergoing County review. These construction plans provide a wider pedestrian area between the basketball court and seawall than that shown in the Specific Plan.

recreation facilities that will enhance coastal access and recreation, consistent with Coastal Act Section 30252.

There is, however, the potential for the buildout of commercial and residential uses proposed by the Specific Plan to result in greater competition for public parking needed to serve coastal access and recreation. If adequate on-site parking is not provided by commercial and residential uses, there is the potential that residents and businesses will occupy the parking spaces needed by those who have come to Avila to enjoy the beach. The potential for this to occur may be exacerbated by components of the Specific Plan that propose:

- a financial contribution for parking and transportation improvements from Front Street businesses in-lieu of providing on-site parking;
- waiving the requirement that multi-family residential development provide guest parking if it is located in close proximity to a public parking lot; and,
- new residential multi-family development in a portion of the primary parking lot (Earl's Alley) used for beach parking.

To evaluate these impacts, it is important to understand various factors influencing the demand for parking in Avila. Obviously, the greatest demand for public parking is during peak beach use times, particularly summer weekends and holidays. According to County estimates, presented on pages 59 – 61 of the Specific Plan, the demand for beach parking during periods of peak use is approximately 998 spaces; about 952 spaces will be provided (not including parking available in the hillside residential area of the town). Thus, it is clear that there will be high competition for parking spaces during periods of peak beach use. There is typically more than adequate public parking to serve coastal access and recreation as well as commercial uses during the less busy times of the year.

Most of the commercial establishments within the Front Street Commercial District have been, and are expected to continue to be, oriented to the beach visitor (e.g., swimwear shops, snack shops, restaurants, etc.). As a result, the Specific Plan assumes that during the peak season, most of the patrons of these businesses park their cars at the public lot or on the street for the day, go to the beach, then walk to the commercial establishments. Many of the public parking spaces are vacated by the late-afternoon, making room for parking that can be used for restaurant and other evening use parking.

Given this scenario, and the desire to make the highest and best use of valuable coastal property, the Specific Plan has proposed the in-lieu fee program noted above. Under this program, retail and restaurant development (in the Front Street Commercial District only) could provide a financial contribution, estimated at \$5 per square foot of the commercial establishment, rather than providing on-site parking. This fund would be used to finance the improvement and maintenance of the town's parking supply, a beach shuttle service, and to provide subsidies for improved public transportation service to Avila beach.

This approach is, in general, consistent with the Coastal Act standards cited above, because it represents a balanced approach towards an effective distribution of parking supply, providing upland coastal access support facilities, reserving prime coastal areas for access and recreation, and facilitating the use of public transportation. However, the specifics of the in-lieu fee program have yet to be developed and incorporated into the LCP. To ensure that this occurs in a timely fashion, and that the details of the proposed in-lieu fee ordinance complies with Coastal Act requirements, the Suggested Modifications call for the program to be submitted to the Coastal Commission for incorporation into the LCP no later than June 31, 2001. In the event that no such ordinance is submitted by this date, or certified by December 31, 2001, all commercial uses shall be required to provide on-site parking consistent with CZLUO requirements.

To address the Specific Plan's allowance of Residential Multi-Family development in the area that is currently used for beach parking, the Suggested Modifications require that any such development maintain a minimum number of 355 parking spaces in the parking lot. This number of spaces has been relied upon by the Specific Plan as a means to mitigate the loss of parking along Front Street, and are needed to meet the demand for beach parking during periods of peak use. The modification also required that the development protect parking lot landscaping, which not only enhances the visual quality of the area, but has also been designed to intercept and filter stormwater runoff from the parking lot.

Finally, the suggested modifications delete the proposed exception to the requirement that residential multi-family development provide guest parking at a rate of 0.25 spaces per unit. This change is needed to ensure that residents and their guests do not consume parking spaces that are needed to serve Coastal Act priority uses.

Transportation

As called for by Section 30252 of the Coastal Act, the location and amount of new development should maintain and enhance public access to the coast by, among other means, facilitating the provision or extension of transit service. The existing San Luis Bay Area Plan indicates the potential for the old Pacific Coast Railroad right-of-way, which runs parallel to Avila Beach Drive, to be used by the proposed Pacific Coast Light Railway. Other options for public transportation and/or public trail systems may be desirable to pursue in the future.

While the Specific Plan contains beneficial provisions for alternative transportation, such as the proposed expansion of bicycle trails and facilities and the potential for a future beach shuttle, the Plan does not effectively preserve the railroad right-of-way for future transportation and access options. A portion of this right-of-way would be redesignated from recreation to residential multi-family. Such development has the potential to preclude public transportation and access systems along the right-of-way that would benefit coastal access and recreation.

To address this issue, the Suggested Modifications requires that any future development in this area preserve future opportunities to use the railroad right-of-way for public trails, a light railway, or some other public transportation system.

Another transportation issue raised by the Specific Plan is the proposal to potentially allow vehicular access to the pedestrian plaza area in the future. The Plan does not, however, identify what basis or process shall be applied to such a determination. The suggested modifications clarify this issue by referencing the County's intention to evaluate seasonal or periodic vehicle use of the plaza area following the first year of use of this area by pedestrians only; and, by specifying that any proposal to open the plaza for vehicle access shall require a coastal development permit.

Temporary Events

As a means to enhance the economic recovery of the town, the Specific Plan encourages the use of special events to attract visitors to the area. To ensure that such events do not preclude coastal access and recreation opportunities for the general public, the Suggested Modifications incorporate the Commission's guidelines regarding when temporary events require a coastal development permit. They also specifically identify that such events should not interfere with the general public's ability to access and recreate on the beach.

Boater Access

In terms of boater access, the loss of beach-front parking spaces and associated street closures may make it less convenient to unload small boats to launch from the the existing boat hoist on Avila Pier, or into San Luis Creek. Prior to the clean-up, vehicles with small trailered boats could park directly at the base of the pier, where a dolly is available to pull the trailer to the hoist. Similarly, vehicles carrying small boats such as kayaks could park at the western (up coast) end of Front Street, close to where San Luis Creek runs under Avila Drive, and the kayaks could be easily carried to and launched at the creek.

Under the redevelopment scenario proposed by the Specific Plan, vehicle access would be prohibited along Front Street, between San Francisco and San Miguel Streets, where the pier intersects with the public plaza. There would, however, be drop-off areas at the seaward terminus of both San Francisco and San Miguel streets, where beach goers and boaters could temporarily stop to unload passengers and equipment. Boaters would be required to dolly their boats about 200 feet from the drop off areas to reach the pier.

Similarly, there will be a drop-off area at the seaward terminus of San Juan Street, where kayakers or other small boaters could stop and off-load their boats, and carry them down an emergency vehicle ramp to the beach. Alternatively, those interested in launching boats into the creek could carry them approximately 250 feet to the west, along the park promenade that follows the seawall. The seawall at the west-end of the beach is typically about one foot above the sand, and can be stepped over. The creek, depending on its flow pattern, is just west of the parks up coast edge.

To ensure that the proposed drop-off areas function effectively for all users, consistent with the need to maintain emergency vehicle access to the park, plaza, and pier, the Specific Plan calls for an Access Management Plan to be developed by the County, Port San Luis Harbor District, CDF/County Fire, the County Sheriff, and the Avila Beach CSD. The Suggested Modifications to the Specific Plan contained in this report add the Avila Yacht Club as an organization that should participate in the development of this plan, to ensure that it effectively considers the needs of boaters. In addition, the Suggested Modifications require that the Access Management Plan be submitted to the Coastal Commission for incorporation into the LCP prior to June 31, 2001. This establishes a specific timeline to make certain that these issues are resolved in a timely fashion, and in a manner that is consistent with the Coastal Act.

While the changes to Front Street parking and circulation may add a little inconvenience for launching small boats at the pier or in the creek, the Specific Plan has not in any way precluded these important coastal recreation activities from occurring. Rather, the Specific Plan has attempted to provide enhanced coastal access and recreation opportunities for all users. It is also important to note that boat launch ramps dedicated for vehicle use are available in close proximity (i.e., the launch ramps at Olde Port Beach and Port San Luis). Thus, the Specific Plan is, overall, consistent with the Coastal Act objectives of maximizing public access.

Yacht Club

Another access issue that has been raised during the development of the Specific Plan has been the impact of the existing yacht club on coastal access and recreation opportunities, as well as its impacts on visual access to the beach and ocean. The Commission and its staff have received numerous letters with regard to this issue (attached as Exhibit 4), both in favor and against the replacement of this structure at its original location. (It had been temporarily relocated during the clean-up, and has since been replaced at its original location at the base of Avila Pier, above the public beach.) Some of these letters have opposed the re-establishment of this building on the pier because it blocks public views of the coast and limits use of the sandy beach beneath it. They have also expressed sentiment that the building is used for an exclusive purpose that is inconsistent with its location on public property.

The Port San Luis Harbor District manages this building, and the property it is located on, and leases the building to the Yacht Club. The building has been considered a Historic Resource, as its use dates back to a World War II lookout. As a result, the Coastal Development Permit for the clean-up, as well as the Army Corps permit, allowed for the building to be relocated to its original site upon completion of the remediation. While the building does block some coastal views, it is a pre-existing structure that is part of the town's history and character.

Nevertheless, the Commission is sensitive to the concerns that have been expressed regarding the use of this building for private purposes. Although the building's primary use is by the Yacht Club, groups including the Boy Scouts, docents for the Pecho Coast Trail, the Coast Guard Auxiliary and others also make use of the building. While this is indicative that the Yacht Club has allowed the building to be used for public purposes, there may be future opportunities to further enhance general public use and enjoyment of this building. These could include incorporating some interpretive

historical displays and information throughout the building, perhaps with a maritime focus; establishing visiting hours for the general public; clarifying the terms and means by which the building can be used by the general public and/or membership organizations; and providing greater public outreach.

To further the objective of maximizing coastal access and recreation opportunities that complement this historical resource, the Suggested Modifications to the Specific Plan require future development activities involving this building to include measures that enhance the general public's ability to utilize this building and learn about its history. The modifications further specify that all uses of this building should be conducted in a manner that is sensitive to its historic value and prominent location above and adjacent to the public beach and town center.

c. Conclusion

The Specific Plan proposes many improvements to the parking, circulation, and recreation facilities in the town of Avila that will certainly benefit coastal access and recreation consistent with Coastal Act objectives. There are, however, unresolved issues related to the proposed parking and access management programs that will require further Commission review to ensure Coastal Act consistency. In addition, modifications to the plan are needed to ensure that residential development will not consume parking spaces needed to serve coastal access and recreation, and to enhance opportunities for the public to use and enjoy the historic beach –front Yacht Club building. With the changes to the plan and the additional Commission review called for by the Suggested Modifications, the Specific Plan is consistent with the coastal access and recreation policies of the Coastal Act.

3. Marine Resources and Water Quality

a. Applicable Policies

Section 30230.

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231.

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and

entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

b. Analysis:

The Avila Beach Specific Plan provides a unique opportunity to incorporate new information and knowledge regarding coastal water quality protection and polluted runoff into the LCP. In addition to taking advantage of this opportunity, the Specific Plan must address the potential impact that permitted development may have on marine resources and water quality. In Avila Beach, a marine resource that has the potential to be impacted by redevelopment is grunion, a type of fish that seasonally spawns in the intertidal areas of Avila Beach.

Urban Runoff

Both state and federal authorities have identified urban runoff as a major source of pollution adversely affecting the biological and beneficial uses of California's waters. Urban runoff also contributes to numerous beach closures in California each year, jeopardizing public health and limiting coastal access.

Urban runoff from Avila Beach is discharged into San Luis Obispo Creek and directly to the beach. It is extremely difficult and expensive to control the composition of urban runoff discharges through conventional wastewater technologies. Therefore, it is critical that measures to control the sources of pollutants be implemented before the pollutants are actually discharged into the storm drain system.

To date, the redevelopment of Avila beach has been accompanied by the incorporation of pollution control devices into the rebuilt infrastructure. These were required by the locally approved Coastal Development Permits for the rebuild of Front Street, and include filter systems to remove urban pollutants from storm water as it flows into catch basins; vegetated filter strips throughout the improved public parking lot that will remove oil and particles from stormwater before it enters the discharge pipe that leads to San Luis Obispo Creek; and, an energy dissipater/clean-out area at the primary stormwater outfall to Avila Beach, where any trash contained in stormwater will collect and be periodically cleaned-out. These features should help reduce the amount of pollutants contained in runoff from the rebuilt streets and parking lots.

Lacking from the Specific Plan are provisions requiring new private development to install similar pollution control devices to prevent runoff from private property from having an adverse impact on coastal water quality and marine resources. Such runoff has the potential to contribute sediments and urban contaminants (e.g., fertilizers, herbicides, heavy metals, hydrocarbons) that can have a deleterious affect on coastal water quality and marine habitats. Also absent from the Specific Plan is a coordinated approach towards monitoring, maintaining, and improving the facilities and natural elements that protect water quality on the watershed level. Water quality within Avila Beach cannot be

protected without managing inland development and land uses, including the implementation of similar water quality management measures throughout the watershed.

In order to address potential water quality impacts posed by runoff from private property, the Suggested Modifications to the Specific Plan incorporate requirements for new commercial and residential development. These standards prohibit urban activities that can contaminate water quality, such as disposing restaurant mat, vehicle, and other wash water into the storm drain system. They also require new development to minimize impervious surfaces, and install and route drainage through vegetated filter strips, as a means to reduce the amount of contaminated runoff entering the creek and ocean. As required by the Suggested Modifications, these specified Best Management Practices must be sized to handle and treat runoff from all but the largest 15% of storms.

In addition to establishing water quality protection standards for commercial and residential development, the Suggested Modifications promote a Watershed Management Program for San Luis Obispo Creek. This program is intended to be a first step in a multi-tiered effort aimed at protecting and restoring coastal water quality throughout the San Luis Obispo County coastal zone. The program calls for the County to initiate and coordinate the various monitoring, maintenance, and reporting functions necessary to maintain and improve water quality and protect public health. Such a program is needed to ensure that the Best Management Practices installed during the rebuild are effectively monitored and maintained, and that inland development does not jeopardize the water quality protection efforts being implemented in Avila Beach.

Another change to the Specific Plan called for by the suggested modifications deals with the proposal to construct asphalt drainage swales in the hillside residential neighborhoods. Such drainage channels do not take advantage of opportunities to reduce the volume of runoff by increasing infiltration, nor do they provide any filtering capabilities to remove pollutants. The Specific Modifications therefore call for the use of vegetated swales instead, where slopes allow, which both allows for infiltration and filters out pollutants from stormwater. In conjunction with residential development, these vegetated drainage swales can be applied the requirement that such development provide BMP's with adequate capacity to treat up to the 85th percentile storm event.

Finally, the Suggested Modifications call for retention of the existing LCP for the Open Space Land Use Category, which requires riparian vegetation to be retained along creekways (proposed for deletion by page 154 of the Specific Plan). Riparian vegetation provides a critical component to the natural drainage system that helps remove pollutants from stormwater runoff before it enters aquatic habitats.

Grunion

As previously noted, grunion use the intertidal areas of Avila Beach to spawn. In general, this occurs for a period of 7 days following each of the 2 monthly spring tides from March through September.

During the review of the draft Specific Plan and associated Environmental Impact Report (EIR), a concern was raised that lighting proposed on the seaward side of the seawall could adversely affect grunion spawning. (This lighting is intended as a safety feature that illuminates areas of the beach which otherwise may be hidden from view by the seawall.) In response to this concern, both the Specific Plan and the EIR recommend that the seawall lights be turned off when grunion are spawning. However, neither the EIR nor the Specific Plan identify who will be responsible for turning these lights off.

The Suggested Modifications therefore specify that the entity responsible for maintaining the public lights in Avila Beach (currently the Avila Beach CSD) shall be responsible for turning off the seawall lights during grunion spawning events, and shall prepare or obtain annual schedules of when grunion spawning is expected to occur.

c. Conclusion

With the suggested modifications to address polluted runoff and protect grunion, the amendment is consistent with Coastal Act Sections 30230 and 30231.

4. Visual Resources and Community Character

a. Applicable Policies

Section 30251.

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30253.

New development shall:

...

(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses

b. Analysis

Two important features of Avila Beach that make it a popular destination for visitors, as well as a desirable residential area, is its small town character and beautiful coastal views. Both of these characteristics receive appropriate attention by the Specific Plan, which includes detailed design guidelines to ensure that future development takes place in a manner that retains the “funky and eclectic” character of Avila Beach and its orientation as a beach community. The Specific Plan also seeks to preserve unobstructed public views of the ocean, among other means, by preserving view corridors from Avila Beach Drive down San Juan and San Miguel Streets, and by limiting the height of new development to 25 feet. Palm trees were specifically chosen for street landscaping because in addition to their hardiness, they have less of an impact on views than other types of street trees.

To further protect coastal views, the Specific Plan recommends that the potential for construction of retail space on Avila Pier be eliminated from the Port San Luis Harbor District Master Plan. This recommendation is advisory in nature, as it will be up to the Harbor District to determine what revisions to its Master Plan, if any, should be pursued. Any future development on Avila Pier would require a Coastal development Permit from the Coastal Commission, and would need to comply with the visual resource protection standards of the Coastal Act.

The Design Standards intended to protect the unique character of Avila Beach require new development to be consistent in character and style with the pre-remediation buildings, through the use of styles, materials, scale, articulation and signing that reflects the traditional design of the town. The Specific Plan also protects the character of Avila by calling for the retention and replication of historic structures such as the Avila Grocery, the former Custom House, the Sea Barn, and the Yacht Club. Finally, the Specific Plan seeks to maintain an economic mix in Avila by calling for the replacement of affordable housing units that were removed through the clean-up process.

There are, however, particular elements of the Specific Plan that need to be modified and/or supplemented to make sure that the character and scenic quality of Avila Beach are effectively protected and restored.

The Specific Plan proposes to replace an existing section of the San Luis Bay Area Plan that identifies the range of allowable uses in commercial areas with two new sections of the Specific Plan that are specific to the Front Street Commercial District and areas designated for Commercial Retail. This change has unintentionally removed a prohibition against some particular commercial uses contained in the existing LCP (i.e., communication uses; business and vocational schools; concrete, gypsum, and

plaster products; food and kindred products; printing and publishing; and, auto, mobilehome and vehicle dealers and supplies). The Suggested Modifications retain the LCP's prohibition against these uses as a means to preserve the character of Avila Beach.

The Specific Plan also proposes to delete another section of the existing San Luis Bay Area Plan identifying building bulk and public view corridors as critical factors to be considered in the review of residential multi-family development (see Standard 1 for Residential Multi-Family Development attached as Exhibit 3, page 7). As the amendment is suggested to be modified, this requirement would be retained within the San Luis Bay Area Plan, and applied to the Residential Single Family Land Use Category as well. The language of the standard would also be revised to make it clear that all new residential development must be designed to protect public view corridors to the beach and ocean.

Finally, the Specific Plan indicates that density bonuses may be granted as incentives for the construction of affordable housing. The Suggested Modifications clarify that such bonuses can be granted only where the resulting development will conform to all other applicable LCP standards, and not result in adverse impacts to coastal resources and public access and recreation opportunities. This modification ensures that visual and community character issues (in addition to other coastal resource protection policies of the Coastal Act and LCP) must be taken into account before density bonuses can be granted.

c. Conclusion

Minor modifications to the Specific Plan described above are needed to retain important components of the existing LCP that protect coastal views in Avila beach and the character of the town which makes it a popular destination for coastal recreation. With these modifications, the Avila Beach Specific Plan ensures that redevelopment and new development will preserve the unique characteristics of this special community, and its valuable scenic resources, consistent with the requirements of Coastal Act Sections 30251 and 30253 (5).

5. Public Service Capacities

a. Applicable Policies

Section 30250.

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted

only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

b. Analysis

As required by Coastal Act Section 30250, the extent of new development allowed by the Specific Plan must be able to be accommodated by existing public service capacities. This necessitates an evaluation of the buildout potential under the Specific Plan, and whether there is adequate infrastructure, particularly water and sewer, available to serve this buildout.

As presented on page 51 of the Specific Plan and in Section 4.4 of the EIR, it has been estimated that the existing LCP would allow for the build-out of approximately 667 units in Avila Beach, equating to a population of 1,094. (The pre-remediation population of Avila Beach was 395.)

Under the Specific Plan, the area designated for multi-family residential development would increase, but the development potential in visually sensitive areas would decrease (e.g., near the oak woodlands along Avila Drive). The net result of these changes is estimated by the Specific Plan to result in a buildout potential of 657 housing units, and a population of 1,077.

In terms of infrastructure, water is provided to the Avila Beach community by the Avila Beach CSD, which receives an allocation of 65 acre feet per year from the Lopez reservoir. The CSD has also contracted for an additional 100 acre-feet from the State Water project. According to page 75 of the Draft EIR, this State water, along with the existing allocation from Lopez reservoir, is expected to be sufficient for 820 total dwelling units, which exceeds the estimated buildout of 657 units, and should be adequate to serve the potential visitor-serving development as well. The EIR and Specific Plan note that Unocal has agreed to purchase five years of State Water for the CSD in acknowledgement that groundwater and soil contamination issues have resulted in lost growth and revenues for the community.

The Avila Beach CSD also provides sewer service to the community through the Avila Beach Treatment Plant, which has a capacity of 200,000 gallons per day and discharges the treated wastewater into San Luis Bay via ocean outfall. As stated on pages 64 - 65 of the Specific Plan, this capacity is estimated to support 1,436 people, and is expected to be adequate to serve both residential and commercial development until about the year 2010.

One potential problem raised by the Specific Plan with respect to the provision of public services is the proposed replacement of the existing LCP Land Use Map with the Land Use Map shown on page 145 of the Specific Plan. This replacement map does not show the boundaries of the Urban Services Line, a critical feature for determining the allowable extent of public services and preventing urban sprawl into rural areas. The Suggested Modifications clarify that the Urban Services Line, as shown on the current LCP land Use Map (attached as Exhibit 1) remains in effect.

c. Conclusion

Adequate water and wastewater treatment services will be available to support the future development proposed by the Specific Plan. Thus, the amendment is consistent with Coastal Act Section 30250.

E. California Environmental Quality Act (CEQA)

The Secretary of Resources has certified the Coastal Commission's review and development process for Local Coastal Programs and amendments as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis on LCP amendments, although the Commission can and does use any environmental information that the local government has developed. In this case the County approved an EIR for the Specific Plan/LCP amendment. Staff has used this information in the analysis of the amendment submittal, and has identified additional measures that need to be incorporated into the amendment in order to avoid adverse environmental impacts. These measures are embodied in the suggested modifications to the County's amendment submittal. With these changes, approval of the amendment complies with the California Environmental Quality Act because as modified, the amendment will not have significant environmental effects for which feasible alternatives or mitigation measures have not been employed.